

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR "D" ROAD (LGA 2004-00034) PRIVATELY INITIATED AMENDMENT, MODIFYING PAGE 61 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 1.63 ACRES, GENERALLY LOCATED APPROXIMATELY 180 FEET NORTH OF SOUTHERN BOULEVARD (STATE ROAD 80) AND APPROXIMATELY 1,000 FEET WEST OF "D" ROAD, FROM RURAL RESIDENTIAL, 1 UNIT PER 10 ACRES (RR-10) TO COMMERCIAL LOW WITH UNDERLYING RURAL RESIDENTIAL, 1 UNIT PER 10 ACRES (CL/RR-10) WITH CONDITIONS; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 18 & 25 and July 9, 2004 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 19, 2004 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on November 17, 2004 the Department of Community Affairs "Objections, Recommendations, and

Comments Report," dated November 15, 2004, which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, on December 13, 2004 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments as modified satisfy the concerns addressed in the Department of Community Affairs' "Objections, Recommendations and Comments Report" and comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the text of the following Element of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

A. Future Land Use Atlas page 61 is amended as follows:

Application No.: "D" Road (LGA 2004-00034)

Amendment: From Rural Residential, 1 unit per 10 acres (RR-10) to Commercial, with underlying Rural Residential, 1 unit per 10 acres;

General Location: Approximately 180 feet north of Southern Boulevard (SR 80) and approximately 1,000 feet west of "D" Road;

Size: Approximately 1.63 acres;

Conditions: This site is subject to the following conditions:

1. The subject site shall be limited to retail and office uses that exhibit a strong pedestrian orientation through design, placement, and organization of buildings, open space, and dispersed parking; and
2. The subject site shall provide pedestrian and vehicular connections to the existing nonresidential development east of the site.

1 Part II. Repeal of Laws in Conflict

2 All local laws and ordinances applying to the unincorporated area
3 of Palm Beach County in conflict with any provision of this ordinance
4 are hereby repealed to the extent of such conflict.

5 Part III. Severability

6 If any section, paragraph, sentence, clause, phrase, or word of
7 this Ordinance is for any reason held by the Court to be
8 unconstitutional, inoperative or void, such holding shall not affect
9 the remainder of this Ordinance.

10 Part IV. Inclusion in the 1989 Comprehensive Plan

11 The provision of this Ordinance shall become and be made a part
12 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
13 Ordinance may be renumbered or relettered to accomplish such, and the
14 word "ordinance" may be changed to "section," "article," or any other
15 appropriate word.

16 Part V. Effective Date

17 The effective date of this plan amendment shall be the date a
18 final order is issued by the Department of Community Affairs or
19 Administration Commission finding the amendment in compliance in
20 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
21 applicable. No development orders, development permits, or land uses
22 dependent on this amendment may be issued or commence before it has
23 become effective. If a final order of noncompliance is issued by the
24 Administration Commission, this amendment may nevertheless be made
25 effective by adoption of a resolution affirming its effective status,
26 a copy of which resolution shall be sent to the Florida Department of
27 Community Affairs, Division of Community Planning, Plan Processing
28 Team. An adopted amendment whose effective date is delayed by law
29 shall be considered part of the adopted plan until determined to be
30 not in compliance by final order of the Administration Commission.

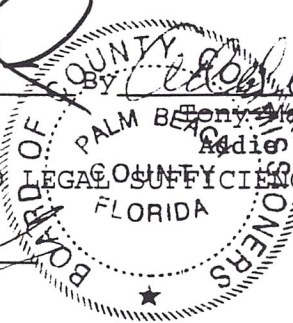
1 Then, it shall no longer be part of the adopted plan unless the local
2 government adopts a resolution affirming its effectiveness in the
3 manner provided by law.

4 APPROVED AND ADOPTED by the Board of County Commissioners of
5 Palm Beach County, on the 13 day of December, 2004.

6 ATTEST: PALM BEACH COUNTY, FLORIDA,
7 DOROTHY H. WILKEN, Clerk BY ITS BOARD OF COUNTY COMMISSIONERS

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9
10 By: *Danne Cattan* Deputy Clerk
11 *Adrian L. Greene* ~~Sony Masiolotti, Chairman~~
12 ~~Adrian L. Greene, Vice-Chair~~

13 APPROVED AS TO FORM AND LEGAL SUFFICIENCY
14 *Paul A. [Signature]*
15 COUNTY ATTORNEY
16



17 Filed with the Department of State on the 17 day
18 of December, 2004.
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22

EXHIBIT 1

Amendment No.: "D" Road (LGA 2004-00034)

FLUA Page No.: 61

Amendment: From Rural Residential, 1 unit per 10 acres (RR-10) to Commercial Low with underlying Rural Residential, 1 unit per 10 acres (CL/RR-10).

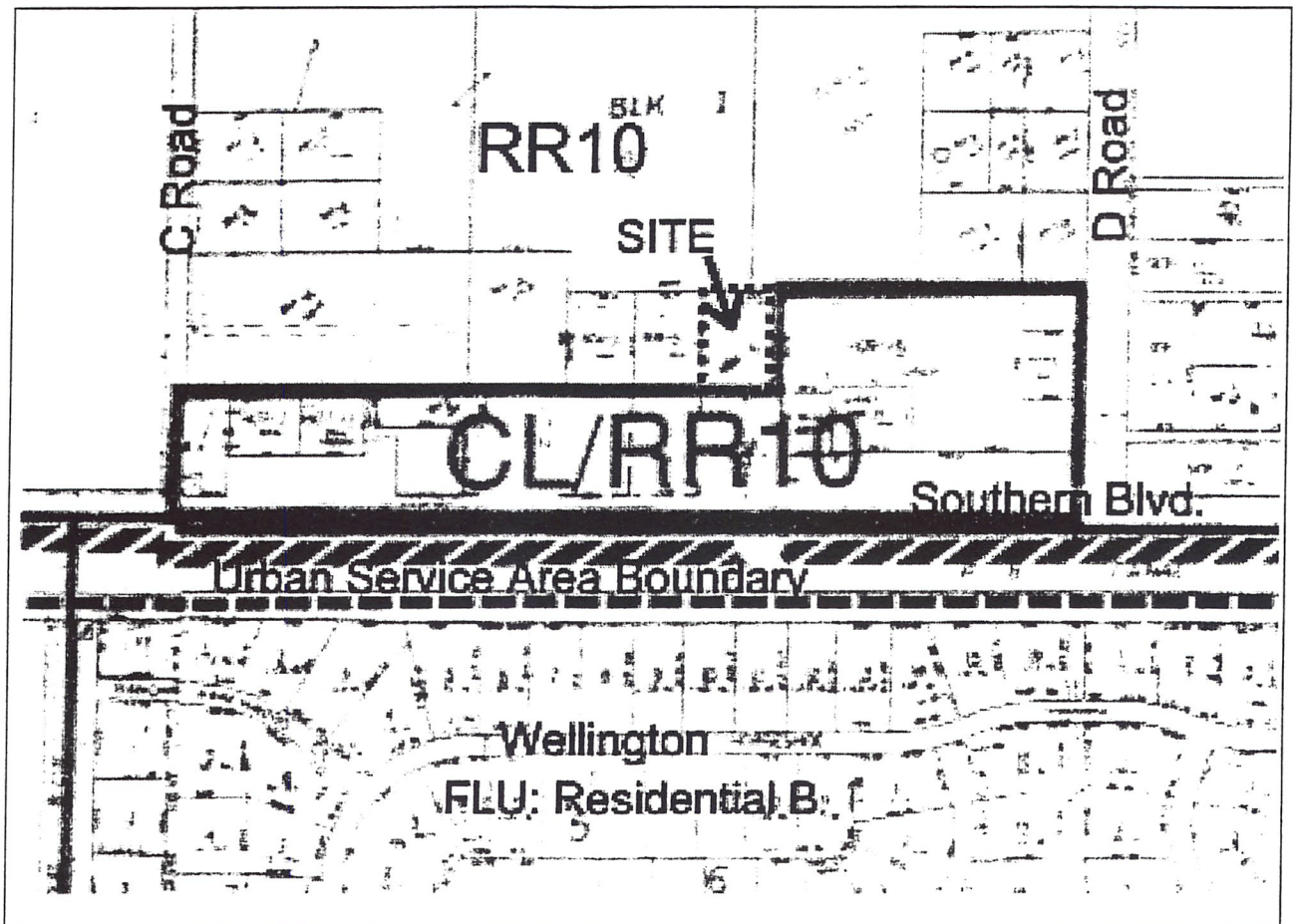
Location: Approximately 180 feet north of Southern Boulevard (SR 80) and approximately 1,000 feet west of "D" Road.

Size: Approximately 1.63 acres

Property No.: 00-41-43-17-01-808-0040 (portion of 2.62 acre parcel)

Conditions:

1. The subject site shall be limited to retail and office uses that exhibit a strong pedestrian orientation through design, placement, and organization of buildings, open space, and dispersed parking.
2. The subject site shall provide pedestrian and vehicular connections to the existing nonresidential development east of the site.



LEGAL DESCRIPTION:

A PARCEL OF LAND LYING WITHIN TRACTS 8 AND 9, BLOCK "I", LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE 29 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80 (SOUTHERN BOULEVARD) AS NOW LAID OUT AND IN USE WITH THE WESTERLY RIGHT-OF-WAY LINE OF "D" ROAD AS SHOWN ON SAID PLAT;

THENCE RUN NORTH 88°26'46" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80, A DISTANCE OF 872.10 FEET; THENCE NORTH 02°10'14" EAST PARALLEL WITH THE EAST LINE OF SAID LOT 8, A DISTANCE OF 180.67 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE NORTH 02°10'14" EAST, A DISTANCE OF 299.05 FEET TO THE CENTERLINE OF TANGERINE ROAD (A PRIVATE ROAD EASEMENT); THENCE NORTH 88°26'46" WEST ALONG SAID CENTERLINE, A DISTANCE OF 237.86 FEET; THENCE SOUTH 02°10'14" WEST, PARALLEL WITH SAID EAST LINE OF TRACT 8, A DISTANCE OF 299.14 FEET; THENCE SOUTH 88°28'00" EAST, PARALLEL WITH THE SOUTH LINE OF SAID TRACTS 8 AND 9, BLOCK "I", A DISTANCE OF 237.86 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 71,138.36 SQUARE FEET OR 1.6331 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, RIGHTS-OF-WAY, AND COVENANTS OF RECORD.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on December 13, 2004
dated at West Palm Beach, FL on 1/28/05
By: Sharon R. Bock
Deputy Clerk